

# EXHIBIT 3

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

Defendants.

NO. 2:18-cv-01115-RSL

**PRIVATE DEFENDANTS'  
SUPPLEMENTAL**

**ANSWERS TO PLAINTIFFS'  
FIRST SET OF  
INTERROGATORIES AND  
RESPONSES TO REQUESTS  
FOR PRODUCTION**

TO: Plaintiffs State of Washington, et al., by and through their attorneys of record,  
Jeffrey Rupert, Kristin Beneski, Todd Bowers, Jeff Sprung and Zachary P. Jones,  
Attorney General Office

Defendants Defense Distributed, Second Amendment Foundation, Inc., and Conn  
Williamson (the "Private Defendants") hereby serve their supplemental answers to  
Plaintiffs' First Set of Interrogatories and responses to Request for Production.

**ANSWERS TO INTERROGATORIES**

**GENERAL OBJECTIONS**

The Private Defendants reserve their objection to being required to participate in the litigation as a “party” for the reasons given in their motion for judgment on the pleadings, Dkt. 114, and reply in support thereof, Dkt. 125.

The Private Defendants object to the Instructions and Definitions provided with the interrogatories to the extent they seek to impose burdens greater than those imposed by the Federal Rules of Civil Procedure.

The Private Defendants object to the Instructions provided with the interrogatories to the extent they impose interrogatories beyond those numerated in the requests.

The Private Defendants object to the Definitions provided with the interrogatories to the extent they impose definitions of terms outside commonly understood meanings.

The Private Defendants object to the requests to the extent they seek the content of privileged attorney-client communications and/or confidential work product. The Private Defendants will produce a privilege log if compelled to produce documents and remain in the case.

These general objections are applicable to, and included in, the Private Defendants’ answers set forth below.

## ANSWERS

### I. Interrogatory Number 1.

Interrogatory No. 1 provides as follows: “Identify all persons who are officers, directors, shareholders, founders, members, employees, or agents of Defense Distributed, or who are otherwise affiliated with or who have authority to act on behalf of Defense Distributed.”

A. The Private Defendants object to this interrogatory because the compelled disclosure of these associational and expressive activities violates the First and Fourteenth Amendments of the Constitution of the United States. *See NAACP v. Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th Cir. 2010).

B. The Private Defendants object to this interrogatory because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

C. The Private Defendants object to this interrogatory because it is not proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the interrogatory seeks information that is duplicative of what the administrative record identifies and, to the extent that it is not duplicative, disproportionately unimportant in comparison to what the administrative record identifies.

1 D. The Private Defendants object to this interrogatory because it is overly  
 2 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
 3 even if the identity of *some* persons affiliated with Defense Distributed were relevant to a  
 4 party's claim or defense, the interrogatory demands identification of "all persons. . .  
 5 affiliated with . . . or who have authority to act on behalf of Defense Distributed" without  
 6 any limitations regarding subject matter, place, or time.  
 7

8 E. Defendants Second Amendment Foundation, Inc., and Conn Williamson  
 9 object to this interrogatory because it is not proportional to the needs of the case  
 10 considering the parties' relative access to relevant information. The obligation to  
 11 respond to this interrogatory, if any, should be limited to Defense Distributed.  
 12

13 Subject to the foregoing objections, the Private Defendants respond as follows:

14 Cody Wilson co-founded Defense Distributed. Paloma Heindorff is Defense  
 15 Distributed's Director.  
 16

## 17 **II. Interrogatory Number 2.**

18 Interrogatory Number 2 provides as follows: "State whether you posted any  
 19 Subject Files online, or otherwise made them publicly available via the internet, on or  
 20 after July 31, 2018. If you did, identify the URL(s), the exact date and time of any such  
 21 posting, and the individual(s) responsible for or involved in any such posting, and  
 22 describe in detail the actions of each such individual in connection with each such  
 23 posting."  
 24

25 A. The Private Defendants object to this interrogatory because the compelled  
 26 disclosure of these associational and expressive activities violates the First and  
 27

1 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
 2 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
 3 Cir. 2010).

4  
 5 B. The Private Defendants object to this interrogatory because it is not  
 6 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not  
 7 involve any claim against the Private Defendants; it involves only Administrative  
 8 Procedure Act claims against the Federal Government that depend solely upon an  
 9 administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not  
 10 address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

11  
 12 C. The Private Defendants object to this request because it made for an  
 13 improper purpose.

14  
 15 D. The Private Defendants object to this request because it is made to cause  
 16 annoyance, oppression, and to harass the Private Defendants.

17 Subject to the foregoing objections, the Private Defendants respond as follows:

18 After July 31, 2018, the Private Defendants did not post any Subject Files online  
 19 or otherwise make them publicly available via the internet.  
 20

### 21 **III. Interrogatory Number 3.**

22 Interrogatory Number 3 provides as follows: “State whether you assisted or  
 23 facilitated any other person in posting any Subject Files online, or otherwise making  
 24 them publicly available via the internet, on or after July 31, 2018. If you did, identify the  
 25 URL(s), the exact date and time of any such posting, and the individual(s) responsible for  
 26 or involved in any such posting, and describe in detail the actions of each such individual  
 27

1 in connection with each such posting.”

2 A. The Private Defendants object to this interrogatory because the compelled  
3 disclosure of these associational and expressive activities violates the First and  
4 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
5 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
6 Cir. 2010).

7  
8 B. The Private Defendants object to this interrogatory because it is not  
9 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not  
10 involve any claim against the Private Defendants; it involves only Administrative  
11 Procedure Act claims against the Federal Government that depend solely upon an  
12 administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not  
13 address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.  
14

15  
16 C. The Private Defendants object to this request because it made for an  
17 improper purpose.

18 D. The Private Defendants object to this request because it is made to cause  
19 annoyance, oppression, and to harass the Private Defendants.  
20

21 E. The Private Defendants object to this request because the Plaintiff States  
22 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
23 by hand or mail are both not relevant to this action and legal.  
24

25 F. The Private Defendants object to the scope of this request because “assist”  
26 and “facilitate” could encompass constitutionally-protected speech about posting Subject  
27 Files online, including, *e.g.*, the contents of briefs filed with the Court in this matter and  
28

maintained online by the Clerk of the Court. *See e.g.*, Dkt 63 at n. 3 (Private Defendants’ Brief in Opposition to Plaintiff States’ Motion for Preliminary Injunction, with active hyperlinks to websites offering Subject Files for free public download).

Subject to the foregoing objections, the Private Defendants respond as follows:

After July 31, 2018, the Private Defendants did not assist or facilitate any other person in posting any Subject Files online, or otherwise making them publicly available via the internet.

#### **IV. Interrogatory Number 4.**

Interrogatory Number 4 provides as follows: “State the total number of persons to whom you sold or distributed any Subject Files via mail or courier, email, secure download, or any other method, on or after July 31, 2018, or as to whom you participated in or facilitated such sale or distribution of any Subject Files.”

A. The Private Defendants object to this interrogatory because the compelled disclosure of these associational and expressive activities violates the First and Fourteenth Amendments of the Constitution of the United States. *See NAACP v. Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th Cir. 2010).

B. The Private Defendants object to this interrogatory because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not



1 address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

2 C. The Private Defendants object to this interrogatory because it is not  
3 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so  
4 because the request seeks information that is disproportionately unimportant in  
5 comparison to what the administrative record supplies.  
6

7 D. The Private Defendants object to this interrogatory because it is overly  
8 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
9 even if the Private Defendants' conduct is relevant, the action's claims and Court's  
10 preliminary injunction pertain only to publication via Defense Distributed's internet  
11 website—not the methods identified in this interrogatory.  
12

13 E. The Private Defendants object to this interrogatory because it is not  
14 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). Even if the  
15 fact of such sales or distributions were relevant, the number or persons at issue is not.  
16

17 F. The Private Defendants object to this request because the Plaintiff States  
18 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
19 by hand or mail are both not relevant to this action and legal.  
20

21 G. The Private Defendants object to this request because it made for an  
22 improper purpose.  
23

24 H. The Private Defendants object to this request because it is made to cause  
25 annoyance, oppression, and to harass the Private Defendants.

26 I. Defendants Second Amendment Foundation, Inc., and Conn Williamson  
27 object to this interrogatory because it is not proportional to the needs of the case  
28

1 considering the parties' relative access to relevant information. The obligation to  
2 respond to this interrogatory, if any, should be limited to Defense Distributed.

3 Subject to the forgoing objections, the Private Defendants respond as follows:

4 After July 31, 2018, the Private Defendants did not post any Subject Files online  
5 or otherwise make them publicly available via the internet, and did not assist or  
6 facilitate any other person in posting any Subject Files online or otherwise making  
7 them publicly available via the internet. After August 27, 2018, Defense  
8 Distributed distributed the Subject Files via United States Postal Service mail.  
9  
10

11 **V. Interrogatory Number 5.**

12 Interrogatory Number 5 provides as follows: "Describe in detail any method(s) by  
13 which you have sold or distributed any Subject Files to any person on or after July 31,  
14 2018, and any method(s) by which you have participated in or facilitated such sale or  
15 distribution of any Subject Files."  
16

17 A. The Private Defendants object to this interrogatory because the compelled  
18 disclosure of these associational and expressive activities violates the First and  
19 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
20 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
21 Cir. 2010).  
22

23 B. The Private Defendants object to this interrogatory because it is not  
24 "relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). This action does not  
25 involve any claim against the Private Defendants; it involves only Administrative  
26 Procedure Act claims against the Federal Government that depend solely upon an  
27

1 administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not  
2 address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

3 C. The Private Defendants object to this interrogatory because it is not  
4 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This is so because  
5 the action’s claims and Court’s preliminary injunction pertain only to publication via  
6 Defense Distributed’s internet website—not the other activities at issue in this request.  
7

8 D. The Private Defendants object to this interrogatory because it is not  
9 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so  
10 because, even if the fact of a sale or distribution were relevant, the “detail[s]” of any sale  
11 or distribution are disproportionately unimportant.  
12

13 E. Defendants Second Amendment Foundation, Inc., and Conn Williamson  
14 object to this interrogatory because it is not proportional to the needs of the case  
15 considering the parties’ relative access to relevant information. The obligation to  
16 respond to this interrogatory, if any, should be limited to Defense Distributed.  
17

18 F. The Private Defendants object to this request because it made for an  
19 improper purpose.  
20

21 G. The Private Defendants object to this request because it is made to cause  
22 annoyance, oppression, and to harass the Private Defendants.

23 H. The Private Defendants object to this request because the Plaintiff States  
24 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
25 by hand or mail are both not relevant to this action and legal.  
26  
27

1 Subject to the forgoing objections, the Private Defendants respond as follows:

2 After July 31, 2018, the Private Defendants did not post any Subject Files online  
3 or otherwise make them publicly available via the internet, and did not assist or  
4 facilitate any other person in posting any Subject Files online or otherwise making  
5 them publicly available via the internet. After August 27, 2018, Defense  
6 Distributed distributed the Subject Files via United States Postal Service mail.  
7

8 **VI. Interrogatory Number 6.**

9 Interrogatory Number 6 provides as follows: “As to the persons referenced in  
10 Interrogatory No. 4 to whom Subject Files were sold or distributed, describe in detail any  
11 and all steps you took, if any, to determine the following: (1) whether such persons are  
12 U.S. citizens or lawful permanent residents; (2) whether such persons are located within  
13 the United States (and if so, in which states); and (3) whether such persons are eligible to  
14 possess a firearm in any relevant jurisdiction(s).”  
15

16  
17 A. The Private Defendants object to this interrogatory for the reasons stated in  
18 the Private Defendants objections to Interrogatory No. 4.  
19

20 B. The Private Defendants object to this interrogatory because the compelled  
21 disclosure of these associational and expressive activities violates the First and  
22 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
23 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
24 Cir. 2010).  
25

26 C. The Private Defendants object to this interrogatory because it is not  
27 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Even if the fact of  
28

1 such a sale or distribution were relevant, the determinations inquired about by this  
2 interrogatory are not.

3 D. The Private Defendants object to this request because it made for an  
4 improper purpose.  
5

6 E. The Private Defendants object to this request because it is made to cause  
7 annoyance, oppression, and to harass the Private Defendants.

8 F. The Private Defendants object to this request to the extent it seeks  
9 personally identifiable information (“PII”) on customers due to privacy concerns, which  
10 may include, for example, laws that prohibit providing a customer’s PII without a court  
11 order or the customer’s written consent.  
12

13 G. The Private Defendants object to this request because the Plaintiff States  
14 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
15 by hand or mail are both not relevant to this action and legal.  
16

17 Subject to the forgoing objections, the Private Defendants respond as follows:

18 After July 31, 2018, the Private Defendants did not post any Subject Files online  
19 or otherwise make them publicly available via the internet, and did not assist or  
20 facilitate any other person in posting any Subject Files online or otherwise making  
21 them publicly available via the internet. After August 27, 2018, Defense  
22 Distributed distributed the Subject Files via United States Postal Service mail.  
23

24 **VII. Interrogatory Number 7.**  
25

26 Interrogatory Number 7 provides as follows: “List any and all crimes with which  
27 Defense Distributed, Cody Wilson, or any person in active concert or participation with  
28

1 either of them has been charged or convicted within the last ten years and describe the  
2 outcome of each charge or conviction.”

3 A. The Private Defendants object to this interrogatory because a response  
4 identifying “any person in active concert or participation with either of” Defense  
5 Distributed or Cody Wilson constitutes the compelled disclosure of associational and  
6 expressive activities in violation of the First and Fourteenth Amendments of the  
7 Constitution of the United States. *See NAACP v. Alabama*, 357 U.S. 449, 460 (1958);  
8 *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th Cir. 2010).  
9  
10

11 B. The Private Defendants object to this interrogatory because it is not  
12 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not  
13 involve any claim against the Private Defendants; it involves only Administrative  
14 Procedure Act claims against the Federal Government that depend solely upon an  
15 administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not  
16 address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.  
17

18 C. The Private Defendants object to this interrogatory because it is not  
19 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so  
20 because the interrogatory seeks information that is duplicative of what the administrative  
21 record identifies and, to the extent that it is not duplicative, disproportionately  
22 unimportant in comparison to what the administrative record identifies.  
23

24 D. The Private Defendants object to this interrogatory because it is overly  
25 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the  
26 interrogatory pertains to “any and all crimes” without limitations regarding subject  
27

1 matter.

2 E. The Private Defendants object to this interrogatory because it is overly  
3 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the  
4 interrogatory pertains to “any person in active concert or participation with” Defense  
5 Distributed and Cody Wilson without any limitations regarding subject matter, place, or  
6 time.  
7

8 F. The Private Defendants object to this interrogatory because it is overly  
9 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the  
10 interrogatory pertains to both charges and convictions; but even if convictions are  
11 relevant, charges are not.  
12

13 G. The Private Defendants object to this request because it made for an  
14 improper purpose.  
15

16 H. The Private Defendants object to this request because it is made to cause  
17 annoyance, oppression, and to harass the Private Defendants.  
18

### 19 **VIII. Interrogatory Number 8.**

20 Interrogatory Number 8 provides as follows: “For the period of July 31, 2018 to  
21 the present, list (by city and country) all destinations outside the United States to which  
22 Cody Wilson has traveled or to which he currently plans to travel, and as to each  
23 destination, provide the dates of Mr. Wilson’s actual or planned departure from and  
24 return to the United States.”  
25

26 A. The Private Defendants object to this interrogatory because the compelled  
27 disclosure of these associational and expressive activities violates the First and  
28

1 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
2 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
3 Cir. 2010).

4  
5 B. The Private Defendants object to this interrogatory because it is not  
6 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not  
7 involve any claim against the Private Defendants or Cody Wilson; it involves only  
8 Administrative Procedure Act claims against the Federal Government that depend solely  
9 upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction  
10 does not address the Private Defendants or Cody Wilson; it addresses only the Federal  
11 Defendants. Dkt. 95 at 25.

12  
13 C. The Private Defendants object to this interrogatory because it is not  
14 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Even if some aspect  
15 of the Private Defendants’ conduct is relevant, Cody Wilson’s travel is not.

16  
17 D. The Private Defendants object to this interrogatory because it is overly  
18 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the  
19 request pertains to all travel without any limitations regarding the travel’s nature.

20  
21 E. The Private Defendants object to this interrogatory because it is not  
22 proportional to the needs of the case considering the parties’ relative access to relevant  
23 information. The obligation to respond to this interrogatory, if any, should be limited to  
24 Defense Distributed.

25  
26 F. The Private Defendants object to this request because it made for an  
27 improper purpose.



1 G. The Private Defendants object to this request because it is made to cause  
2 annoyance, oppression, and to harass the Private Defendants.

### 3 **IX. Interrogatory Number 9**

4 Interrogatory Number 9 provides as follows: "Identify all persons or entities who  
5 participated in the planning, funding, production, editing, or distribution of the video  
6 previously located at the following hyperlink:  
7 <https://www.youtube.com/watch?v=5BqIXlkSoA&feature=outu.be>. For each person or  
8 organization involved in the planning, funding, production, editing, or distribution of the  
9 video, state the exact nature of the person or entity's involvement."  
10

11  
12 A. The Private Defendants object to this interrogatory because the compelled  
13 disclosure of these associational and expressive activities violates the First and  
14 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
15 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
16 Cir. 2010).

17  
18 B. The Private Defendants object to this interrogatory because it is not  
19 "relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). This action does not  
20 involve any claim against the Private Defendants; it involves only Administrative  
21 Procedure Act claims against the Federal Government that depend solely upon an  
22 administrative record. *See* 5 U.S.C. § 706. The Court's preliminary injunction does not  
23 address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.  
24

25  
26 C. The Private Defendants object to this interrogatory because it is not  
27 "relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). Even if some aspect  
28

1 of the Private Defendants' conduct is relevant, the video at issue here is not.

2 D. The Private Defendants object to this interrogatory because it is overly  
3 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). Even if some aspect of the  
4 video's publication is relevant, the "exact nature" of its "planning, funding, production,  
5 editing, or distribution" is not.  
6

7 E. Defendants Second Amendment Foundation, Inc., and Conn Williamson  
8 object to this interrogatory because it is not proportional to the needs of the case  
9 considering the parties' relative access to relevant information. The obligation to  
10 respond to this interrogatory, if any, should be limited to Defense Distributed.  
11

12 F. The Private Defendants object to this request because it made for an  
13 improper purpose.  
14

15 G. The Private Defendants object to this request because it is made to cause  
16 annoyance, oppression, and to harass the Private Defendants.  
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**RESPONSES TO REQUESTS FOR PRODUCTION**

**GENERAL OBJECTIONS**

The Private Defendants reserve their objection to being required to participate in the litigation as a “party” for the reasons given in their motion for judgment on the pleadings, Dkt. 114, and reply in support thereof, Dkt. 125.

The Private Defendants object to the Instructions and Definitions provided with the requests to the extent they seek to impose burdens greater than those imposed by the Federal Rules of Civil Procedure.

The Private Defendants object to the Instructions provided with the requests to the extent they seek the creation of documents not in existence or in the Private Defendants’ possession.

The Private Defendants object to the Definitions provided with the requests to the extent they impose definitions of terms outside commonly understood meanings.

The Private Defendants object to the requests to the extent they seek the content of privileged attorney-client communications and/or confidential work product. The Private Defendants will produce a privilege log if compelled to produce documents and remain in the case.

These general objections are applicable to, and included in, the Private Defendants’ responses set forth below.

## RESPONSES

### I. Request for Production Number 1.

Request for Production Number 1 provides as follows: “Produce all documents and communications concerning or relating to any party or non-party’s posting of any Subject Files online, or otherwise making any Subject Files publicly available via the internet, on or after July 31, 2018.” Responsive materials are being withheld on the basis of the following objections.

A. The Private Defendants object to this request because the compelled disclosure of these associational and expressive activities violates the First and Fourteenth Amendments of the Constitution of the United States. *See NAACP v. Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th Cir. 2010).

B. The Private Defendants object to this request because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants or non-parties; it addresses only the Federal Defendants. Dkt. 95 at 25.

C. The Private Defendants object to this request because it is not proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request seeks information that is disproportionately unimportant in comparison to what the administrative record supplies.

1 D. The Private Defendants object to this request because it is overly broad and  
 2 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
 3 to *non-party* actions without regard to the Private Defendants' relationship thereto.

4 E. The Private Defendants object to this request because it is overly broad and  
 5 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
 6 "all documents and communications concerning or relating to" the activities at issue  
 7 regardless of the *nature* of the Private Defendants' relationship to the activity.

8 F. The Private Defendants object to this request because it made for an  
 9 improper purpose.

10 G. The Private Defendants object to this request because it is made to cause  
 11 annoyance, oppression, and to harass the Private Defendants.

12 Subject to the foregoing objections, the Private Defendants respond as follows:

13 After July 31, 2018, the Private Defendants did not post any Subject Files online  
 14 or otherwise make them publicly available via the internet, and did not assist or  
 15 facilitate any other person in posting any Subject Files online or otherwise making  
 16 them publicly available via the internet. Because no such events occurred, the  
 17 Private Defendants have no nonprivileged documents concerning or relating to  
 18 them.

## 19 **II. Request for Production Number 2.**

20 Request for Production Number 2 provides as follows: "Produce all documents  
 21 and communications concerning or relating to any party or non-party's sale or  
 22 distribution of any Subject Files to any persons via mail or courier, email, secure

1 download, or any other method, on or after July 31, 2018.” Responsive materials are  
2 being withheld on the basis of the following objections.

3 A. The Private Defendants object to this request because the compelled  
4 disclosure of these associational and expressive activities violates the First and  
5 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
6 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
7 Cir. 2010).

8  
9 B. The Private Defendants object to this request because it is not “relevant to  
10 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any  
11 claim against the Private Defendants; it involves only Administrative Procedure Act  
12 claims against the Federal Government that depend solely upon an administrative record.  
13 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private  
14 Defendants or any non-parties; it addresses only the Federal Defendants. Dkt. 95 at 25.

15  
16 C. The Private Defendants object to this request because it is not “relevant to  
17 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This is so because the action’s  
18 claims and Court’s preliminary injunction pertain only to publication via Defense  
19 Distributed’s internet website—not the other activities at issue in this request.

20  
21 D. The Private Defendants object to this request because it is not proportional  
22 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the  
23 request seeks information that is disproportionately unimportant in comparison to what  
24 the administrative record supplies.  
25  
26  
27

1 E. The Private Defendants object to this request because it is overly broad and  
2 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
3 to *non-party* actions without regard to the Private Defendants' relationship thereto.

4 F. The Private Defendants object to this request because it is overly broad and  
5 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
6 "all documents and communications concerning or relating to" the activities at issue  
7 regardless of the *nature* of the Private Defendants' relationship to the activity.

8 G. The Private Defendants object to this request because it made for an  
9 improper purpose.

10 H. The Private Defendants object to this request because it is made to cause  
11 annoyance, oppression, and to harass the Private Defendants.

12 I. The Private Defendants object to this request to the extent it seeks  
13 personally identifiable information ("PII") on customers due to privacy concerns, which  
14 may include, for example, laws that prohibit providing a customer's PII without a court  
15 order or the customer's written consent.

16 J. The Private Defendants object to this request because the Plaintiff States  
17 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
18 by hand or mail are both not relevant to this action and legal.

19 Subject to the foregoing objections, the Private Defendants respond as follows:

20 After July 31, 2018, the Private Defendants did not post any Subject Files online  
21 or otherwise make them publicly available via the internet, and did not assist or  
22 facilitate any other person in posting any Subject Files online or otherwise making

1           them publicly available via the internet. Because no such events occurred, the  
 2           Private Defendants have no nonprivileged documents concerning or relating to  
 3           them.

### 4           **III. Request for Production Number 3.**

5           Request for Production Number 3 provides as follows: “Produce all documents  
 6           reflecting any information related to any of the persons described in Interrogatory No. 4  
 7           to whom Subject Files were sold or distributed, including but not limited to any such  
 8           person’s: (i) name; (ii) address; (iii) physical location; (iv) age; (v) U.S. citizen or  
 9           permanent resident status; (iv) eligibility to possess a firearm in any relevant  
 10          jurisdiction(s); (v) the state and/or local sales tax that you collected related to any sale;  
 11          and (vi) the amount of state and/or local sales tax that you remitted to each jurisdiction  
 12          related to any sale.” Responsive materials are being withheld on the basis of the  
 13          following objections.  
 14          following objections.

15           A. The Private Defendants object to this request because the compelled  
 16           disclosure of these associational and expressive activities violates the First and  
 17           Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
 18           *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
 19           Cir. 2010).

20           B. The Private Defendants object to this request because it is not “relevant to  
 21           any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any  
 22           claim against the Private Defendants; it involves only Administrative Procedure Act  
 23           claims against the Federal Government that depend solely upon an administrative record.  
 24           claims against the Federal Government that depend solely upon an administrative record.



1 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private  
2 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

3 C. The Private Defendants object to this request because it is not proportional  
4 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the  
5 request seeks information that is disproportionately unimportant in comparison to what  
6 the administrative record supplies.

7  
8 D. The Private Defendants object to this request because it is overly broad and  
9 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if the  
10 Private Defendants’ conduct is relevant, the action’s claims and Court’s preliminary  
11 injunction pertain only to publication via Defense Distributed’s internet website—not the  
12 methods identified in this interrogatory.

13  
14 E. The Private Defendants object to this interrogatory because it is not  
15 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Even if the fact of  
16 such a sale or distribution were relevant, the details requested here are not.

17  
18 F. The Private Defendants object to this request because it is overly broad and  
19 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request seeks  
20 to compel disclosure of private, confidential, and personal information of a non-party  
21 that is not relevant to any claim in the case.

22  
23 G. Defendants Second Amendment Foundation, Inc., and Conn Williamson  
24 object to this interrogatory because it is not proportional to the needs of the case  
25 considering the parties’ relative access to relevant information. The obligation to  
26 respond to this interrogatory, if any, should be limited to Defense Distributed.

1 H. The Private Defendants object to this request because it made for an  
2 improper purpose.

3 I. The Private Defendants object to this request because it is made to cause  
4 annoyance, oppression, and to harass the Private Defendants.

5  
6 J. The Private Defendants object to this request to the extent it seeks  
7 personally identifiable information (“PII”) on customers due to privacy concerns, which  
8 may include, for example, laws that prohibit providing a customer’s PII without a court  
9 order or the customer’s written consent.

10  
11 K. The Private Defendants object to this request because the Plaintiff States  
12 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
13 by hand or mail are both not relevant to this action and legal.

14  
15 Subject to the foregoing objections, the Private Defendants respond as follows:

16 After July 31, 2018, the Private Defendants did not post any Subject Files online  
17 or otherwise make them publicly available via the internet, and did not assist or  
18 facilitate any other person in posting any Subject Files online or otherwise making  
19 them publicly available via the internet. Because no such events occurred, the  
20 Private Defendants have no nonprivileged documents concerning or relating to  
21 them.  
22

23 **IV. Request for Production Number 4.**

24 Request for Production Number 4 provides as follows: “Produce all documents  
25 and communications concerning or relating to the proposed, planned, or actual sale or  
26 distribution of Subject Files on or after July 31, 2018, including but not limited to all  
27

1 versions of: (i) the video identified in Interrogatory No. 9; (ii) any other videos posted on  
2 YouTube, other websites, or elsewhere, or any videos that you produced or published on  
3 or after July 31, 2018; (iii) any statements published on Twitter or any other social media  
4 platform; (iv) any statements published on defcad.com or defdist.org or elsewhere on the  
5 internet; and (v) any other published statements or content.” Responsive materials are  
6 being withheld on the basis of the following objections.  
7

8 A. The Private Defendants object to this request because the compelled  
9 disclosure of these associational and expressive activities violates the First and  
10 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
11 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
12 Cir. 2010).  
13

14 B. The Private Defendants object to this request because it is not “relevant to  
15 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any  
16 claim against the Private Defendants; it involves only Administrative Procedure Act  
17 claims against the Federal Government that depend solely upon an administrative record.  
18 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private  
19 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.  
20

21 C. The Private Defendants object to this request because it is not proportional  
22 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the  
23 request seeks information that is either duplicative of what the administrative record  
24 identifies or, to the extent that it is not duplicative, disproportionately unimportant in  
25 comparison to what the administrative record includes.  
26  
27

1 D. The Private Defendants object to this interrogatory because it is overly  
2 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
3 even if the Private Defendants' conduct is relevant, the action's claims and Court's  
4 preliminary injunction pertain only to publication via Defense Distributed's internet  
5 website—not the other methods identified in this request.  
6

7 E. The Private Defendants object to this interrogatory because it is overly  
8 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
9 even if actual sales and distributions are relevant, mere proposals and plans are not.  
10

11 F. The Private Defendants object to this request because it is overly broad and  
12 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request  
13 pertains to *non-party* actions without regard to the Private Defendants' relationship  
14 thereto.  
15

16 G. The Private Defendants object to this request because it is overly broad and  
17 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
18 “all documents and communications concerning or relating to” the activities at issue  
19 regardless of the *nature* of the Private Defendants' relationship to the activity.  
20

21 H. The Private Defendants object to this request because it made for an  
22 improper purpose.  
23

24 I. The Private Defendants object to this request because it is made to cause  
25 annoyance, oppression, and to harass the Private Defendants.

26 J. The Private Defendants object to this request to the extent it seeks  
27 personally identifiable information (“PII”) on customers due to privacy concerns, which  
28

1 may include, for example, laws that prohibit providing a customer's PII without a court  
2 order or the customer's written consent.

3 K. The Private Defendants object to this request because the Plaintiff States  
4 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
5 by hand or mail are both not relevant to this action and legal.  
6

7 Subject to the foregoing objections, the Private Defendants respond as follows:

8 After July 31, 2018, the Private Defendants did not post any Subject Files online  
9 or otherwise make them publicly available via the internet, and did not assist or  
10 facilitate any other person in posting any Subject Files online or otherwise making  
11 them publicly available via the internet. Because no such events occurred, the  
12 Private Defendants have no nonprivileged documents concerning or relating to  
13 them.  
14  
15

16 **V. Request for Production Number 5.**

17 Request for Production Number 5 provides as follows: "Produce all of your  
18 communications concerning or relating to the distribution or sale of any Subject Files on  
19 or after July 31, 2018, including internal communications, communications among the  
20 Private Defendants, communications with any other defendants, and communications  
21 with any third parties." Responsive materials are being withheld on the basis of the  
22 following objections.  
23

24 A. The Private Defendants object to this request because the compelled  
25 disclosure of these associational and expressive activities violates the First and  
26 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
27

1 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
2 Cir. 2010).

3 B. The Private Defendants object to this request because it is not “relevant to  
4 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any  
5 claim against the Private Defendants; it involves only Administrative Procedure Act  
6 claims against the Federal Government that depend solely upon an administrative record.  
7 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private  
8 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

9  
10  
11 C. The Private Defendants object to this request because it is not proportional  
12 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the  
13 request seeks information that is either duplicative of what the administrative record  
14 identifies or, to the extent that it is not duplicative, disproportionately unimportant in  
15 comparison to what the administrative record includes.

16  
17 D. The Private Defendants object to this interrogatory because it is overly  
18 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
19 even if the Private Defendants’ conduct is relevant, the action’s claims and Court’s  
20 preliminary injunction pertain only to publication via Defense Distributed’s internet  
21 website—not the other methods of sale and distribution identified in this request.

22  
23 E. The Private Defendants object to this interrogatory because it is overly  
24 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
25 even if actual sales and distributions are relevant, mere proposals and plans are not.  
26  
27

1 F. The Private Defendants object to this request because it is overly broad and  
2 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request  
3 pertains to *non-party* actions without regard to the Private Defendants' relationship  
4 thereto.  
5

6 G. The Private Defendants object to this request because it is overly broad and  
7 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
8 "all documents and communications concerning or relating to" the activities at issue  
9 regardless of the *nature* of the Private Defendants' relationship to the activity.  
10

11 H. The Private Defendants object to this request because it made for an  
12 improper purpose.  
13

14 I. The Private Defendants object to this request because it is made to cause  
15 annoyance, oppression, and to harass the Private Defendants.  
16

17 J. The Private Defendants object to this request to the extent it seeks  
18 personally identifiable information ("PII") on customers due to privacy concerns, which  
19 may include, for example, laws that prohibit providing a customer's PII without a court  
20 order or the customer's written consent.  
21

22 K. The Private Defendants object to this request because the Plaintiff States  
23 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
24 by hand or mail are both not relevant to this action and legal.  
25

26 Subject to the foregoing objections, the Private Defendants respond as follows:

27 After July 31, 2018, the Private Defendants did not post any Subject Files online  
28 or otherwise make them publicly available via the internet, and did not assist or

1 facilitate any other person in posting any Subject Files online or otherwise making  
 2 them publicly available via the internet. Because no such events occurred, the  
 3 Private Defendants have no nonprivileged documents concerning or relating to  
 4 them.  
 5

## 6 **VI. Request for Production Number 6.**

7 Request for Production Number 6 provides as follows: “To the extent not  
 8 produced in response to any of the Requests for Production above, for the period of July  
 9 30, 2018 to the present, produce all documents concerning or relating to the proposed,  
 10 planned, or actual posting, distribution, or sale of any Subject Files.” Responsive  
 11 materials are being withheld on the basis of the following objections.  
 12

13 A. The Private Defendants object to this request because the compelled  
 14 disclosure of these associational and expressive activities violates the First and  
 15 Fourteenth Amendments of the Constitution of the United States. *See NAACP v.*  
 16 *Alabama*, 357 U.S. 449, 460 (1958); *Perry v. Schwarzenegger*, 591 F.3d 1147, 1159 (9th  
 17 Cir. 2010).  
 18

19 B. The Private Defendants object to this request because it is not “relevant to  
 20 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any  
 21 claim against the Private Defendants; it involves only Administrative Procedure Act  
 22 claims against the Federal Government that depend solely upon an administrative record.  
 23 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private  
 24 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.  
 25  
 26  
 27  
 28



1 C. The Private Defendants object to this request because it is not proportional  
2 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the  
3 request seeks information that is either duplicative of what the administrative record  
4 identifies or, to the extent that it is not duplicative, disproportionately unimportant in  
5 comparison to what the administrative record includes.  
6

7 D. The Private Defendants object to this interrogatory because it is overly  
8 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
9 even if the Private Defendants' conduct is relevant, the action's claims and Court's  
10 preliminary injunction pertain only to publication via Defense Distributed's internet  
11 website—not the other methods of posting, sale, and distribution identified in this  
12 request.  
13

14 E. The Private Defendants object to this interrogatory because it is overly  
15 broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because,  
16 even if actual postings, sales, and distributions are relevant, mere proposals and plans are  
17 not.  
18

19 F. The Private Defendants object to this request because it is overly broad and  
20 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request  
21 pertains to *non-party* actions without regard to the Private Defendants' relationship  
22 thereto.  
23

24 G. The Private Defendants object to this request because it is overly broad and  
25 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains  
26 "all documents and communications concerning or relating to" the activities at issue  
27

1 regardless of the *nature* of the Private Defendants' relationship to the activity.

2 H. The Private Defendants object to this request because it made for an  
3 improper purpose.

4 I. The Private Defendants object to this request because it is made to cause  
5 annoyance, oppression, and to harass the Private Defendants.

6 J. The Private Defendants object to this request to the extent it seeks  
7 personally identifiable information ("PII") on customers due to privacy concerns, which  
8 may include, for example, laws that prohibit providing a customer's PII without a court  
9 order or the customer's written consent.

10 K. The Private Defendants object to this request because the Plaintiff States  
11 and Federal Defendants have conceded that the domestic deliveries of the Subject Files  
12 by hand or mail are both not relevant to this action and legal.

13 Subject to the foregoing objections, the Private Defendants respond as follows:

14 After July 31, 2018, the Private Defendants did not post any Subject Files online  
15 or otherwise make them publicly available via the internet, and did not assist or  
16 facilitate any other person in posting any Subject Files online or otherwise making  
17 them publicly available via the internet. Because no such events occurred, the  
18 Private Defendants have no nonprivileged documents concerning or relating to  
19 them.

20 **VII. Request for Production Number 7.**

21 Request for Production Number 7 provides as follows: "Produce all documents  
22 concerning or relating to any criminal charges or convictions as referenced in  
23

1 Interrogatory No. 7.” Responsive materials are being withheld on the basis of the  
2 following objections.

3 A. The Private Defendants object to this request because it is not “relevant to  
4 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any  
5 claim against the Private Defendants; it involves only Administrative Procedure Act  
6 claims against the Federal Government that depend solely upon an administrative record.  
7 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private  
8 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

11 B. The Private Defendants object to this request because it is not proportional  
12 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the  
13 interrogatory seeks information that is duplicative of what the administrative record  
14 identifies and, to the extent that it is not duplicative, disproportionately unimportant in  
15 comparison to what the administrative record identifies.

17 C. The Private Defendants object to this request because it is overly broad and  
18 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory  
19 pertains to “any and all crimes” without limitations regarding subject matter.

21 D. The Private Defendants object to this request because it is overly broad and  
22 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory  
23 pertains to “any person in active concert or participation with” Defense Distributed and  
24 Cody Wilson without any limitations regarding subject matter, place, or time.

26 E. The Private Defendants object to this request because it is overly broad and  
27 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory

1 pertains to both charges and convictions; but even if convictions are relevant, charges are  
2 not.

3 F. The Private Defendants object to this request because it made for an  
4 improper purpose.  
5

6 G. The Private Defendants object to this request because it is made to cause  
7 annoyance, oppression, and to harass the Private Defendants.

8 DATED this 3rd day of December 2018.

9 BECK REDDEN LLP

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## CERTIFICATE OF SERVICE

I certify that on December 3, 2018, I served a copy of this document upon all counsel of record via United States First-Class Mail.

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Private Defendants' Supplemental Answers  
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